

TO PROVIDE FOR THE EQUALIZATION OF PROMOTION OF OFFICERS
OF THE STAFF CORPS OF THE NAVY WITH OFFICERS OF THE
LINE

FEBRUARY 12, 1925.—Committed to the Committee of the Whole House on the
state of the Union and ordered to be printed

Mr. ANDREW, from the Committee on Naval Affairs, submitted the
following

REPORT

[To accompany H. R. 9669]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 9669) to provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line, having had the same under consideration, report favorably thereon with an amendment and as amended recommend that the bill do pass.

Page 2, line 16, after the word "Corps" strike out the proviso down to and including the word "rank" in line 19.

The purpose of bill H. R. 9669 is to correct promotion irregularities in the various branches of the naval service and to place them all upon a promotion parity with the line of the Navy. The promotion problem as between corps has always been a complicated question in the military services. It was corrected in the Army by the single-list plan, the effect of which is to arrange Army officers in a perpendicular line for promotion purposes. The single list has made the Army a homogeneous whole with respect to promotion. The same object is sought in this bill, but the promotion movement is along parallel lines; that is, the line of the Navy sets the pace and the staff corps follow—enjoying the same opportunity for promotion at precisely the same time as contemporary officers of the line.

Promotion in the corps have heretofore been empirical formulae; that is, legislation prescribing numbers or percentages in rank or grade have unfavorably affected promotion in some corps and have favorably affected promotion in other corps. Casualties within a corps have occurred at varying rates in the several corps. This situation was, in part, corrected by legislation in 1916, which provided that all staff officers should be promoted up to and including the rank of lieutenant commander with officers of the line who were

their "running mates" or contemporaries upon entering the service. Thus, promotion in the lower grade of the corps is made dependent not upon any occurrence within the corps but altogether upon the rate of promotion in the line.

This method has produced most satisfactory results and the present bill extends it to the grades of commander and captain. The grade of rear admiral is excluded and the number in that grade in each corps is limited by specific wording to the number now allowed.

To illustrate the vagaries of the present promotion laws, it is stated that the junior officer of the rank of commander in the Chaplain Corps has had 6 years of naval service, and that the junior officer of the rank of commander in the Supply Corps has had 19½ years of naval service.

Members of the corps in which there has been fast promotion have enjoyed comparatively increased rank, not because of virtue in themselves but on account of fortuitous opportunity. Members of those corps in which promotion has been slow have held comparatively lower ranks not because of fault or faults inherent in themselves but because they were denied opportunity.

The effect of the bill H. R. 9669 will not be to demote, but to hold in their present positions those staff officers who have received promotion ahead of their contemporaries in the line and to immediately give to these staff officers whose promotion has been slower than that of contemporary line officers the same opportunity which their line contemporaries have already enjoyed. Thereafter, all will move together at the rate of the line.

This bill may to all practical purposes be designated as a "running-mate bill." All staff officers upon entry into the service were assigned a line officer next after whom they took precedence. This officer, or the line officer who took his place, has been assigned in this bill as the running mate of staff officers now in the service. Similar rules are prescribed in this bill assigning running mates to staff officers who may hereafter enter the service.

Past laws governing precedence and running mates have been various and complicated. This accounts in a large measure for the technical and involved wording of this bill.

The bill makes no change in the present method of promoting staff officers up to and including lieutenant commander with their line running mate. It does provide, however, that stag officers shall become eligible for the selection grades of commander and captain when their running mates or line officers junior thereto have been promoted in the line. The same proportionate number of promotions are then made from among such staff officers as has already been made from among their line contemporaries.

The general purpose of the bill is given in the foregoing paragraphs.

The first three sections of the bill are concerned with the authorization, organization, and procedure of staff selection boards.

Sections 4 to 13, inclusive, have to do with the question of precedence as between officers of the Navy; with the assignment of line running mates to staff officers now in the service; with the assignment of line officers as running mates to staff officers who may hereafter enter the service; with the assignment of new running mates to staff officers in case of the various mishaps which may happen to the line running mate or to a staff officer.

Section 14 defines the eligibility of staff officers for promotion.

Section 15 provides for the equalization of promotion in those staff corps which are now behind the line contemporaries to such an extent that the number of staff officers so advanced will bring the corps concerned to a promotion parity with the line.

Section 16 maintains the promotion parity of the various corps with the line in the future.

Detailed explanations of the various paragraphs follow:

Section 1, paragraph 1: the words "staff officer" or "staff officers," used to include only officers of the Medical, Supply, Chaplain, Construction, Civil Engineer, and Dental Corps, is due to the fact that these are the only active staff corps in the Navy at present. No further appointments are made to the Corps of Professors of Mathematics, and that corps becomes extinct when its present members retire, die, or resign.

Paragraph 2: This paragraph provides for selection in all staff corps to all ranks above that of lieutenant commander and prevents the promotion of an officer from a much lower rank to that of a higher, necessitating that an officer pass through each rank. The proviso that the ranks of captain and commander are hereby established in the grades of dental surgeon is put in because at present this corps does not have these ranks, and it is necessary that these ranks be established in order to place officers on an equal footing. The further proviso limits the number in the ranks of rear admiral in the corps to the numbers now authorized for those corps. The further proviso abolishing the present established number of percentages, is necessary in order that staff officers may be promoted with their running mates and thus keep step with their contemporaries. The further proviso promoting a staff officer to the next higher grade when advanced in rank, is necessary, as certain grades, such as surgeon or paymaster, only go with certain ranks. For instance, lieutenant commander, Medical Corps, has the grade of surgeon; if promoted in rank to commander, he will necessarily become a medical inspector. The further proviso that sections 1506 and 1507 of the Revised Statutes shall apply, regardless of this bill, is with the view that an officer who should be promoted for special heroism shall not be held back on account of this bill.

Section 2: Boards provided for selection of staff officers for advancement to the rank of rear admiral are composed as nearly as feasible to conform to the line boards not established by law.

Boards for the selection of staff officers for advancement to the ranks of captain and commander are composed as nearly as feasible in accordance with the line board now established by law. The proviso is necessary in order that those staff corps which have not a sufficient number of officers of their own corps who will be able to serve, the number shall be made up by officers of the line. The further proviso conforms to the present law governing selection in line boards.

Section 3, paragraph 1: This paragraph conforms to the present law applying to line selection boards.

Paragraph 2 conforms to the present law governing line selection boards. Paragraph 2 with both provisos conforms to the present laws governing line selection boards and enables any officer to invite the attention of the board to any part of his record which he feels should be especially noted.

Paragraph 3 conforms to the present law governing line selection boards.

Paragraph 4: The reason for giving the staff officer's commission the same date as that of his running mate is in order to maintain the precedence due both officers. The proviso requires that the staff officer shall not be promoted ahead of the date of his running mate's promotion; but if a staff officer who has been selected is available for examination on the date his running mate makes his number and will later receive his commission, he may be commissioned on that date. The further proviso is for the purpose of allowing the necessary back pay and allowance as is now the case; but no officer promoted immediately, in order to be of equal rank with his running mate, by the passage of this act should receive or does receive back pay and allowances. The further proviso requires the examinations now prescribed by law and is in accordance with the present law.

Section 4 legalizes the precedence list as now maintained in the Bureau of Navigation, giving all officers of the same rank precedence according to length of service, giving staff officers who are of a higher rank than their running mates precedence with the junior line officer in that rank until such time as their running mates are promoted to such higher rank, and giving staff officers who are of a lower rank than their running mates precedence ahead of other line and other staff officers of the same rank with less service. The proviso maintains a precedence among the various staff officers of the same rank as is now the custom. The further proviso maintains precedence between officers of the various staff corps who may through change of running mates have the same running mate, giving the officer with the most service precedence over the other officers of less service.

Section 5: The term "passed over" means that an officer has failed of selection for promotion when considered by a board and an officer junior to him in his own corps has been permanently advanced. This prevents officers who were passed over temporarily during the war from losing precedence. The proviso prevents those officers passed over by the promotion of very junior officers in the staff corps to the rank of rear admiral from being considered as having failed of selection.

Section 6: The running mates of staff officers who entered prior to March 4, 1913, were indicated in the January Register of 1914, and in each case the running mate of such staff officer was the junior line officer who appeared above such staff officer on the precedence list of that date; thus for all officers appointed prior to March 4, 1913, the running mate is specifically assigned by reference to the January, 1914, Register. Staff officers commissioned subsequent to that date took as their running mate the junior officer of the line in the rank in which such staff officers were commissioned. The first proviso is necessary because prior to March 4, 1913, medical officers were assigned a running mate who was an ensign, two years out of the Naval Academy. After March 4, 1913, medical officers who entered the service were assigned junior lieutenants of the line as their running mate, three years out of the Naval Academy; thus, if uncorrected, medical officers appointed subsequent to March 4, 1913, would have been assigned running mates in the line who were senior to the running mates assigned medical officers who entered the service prior to March 4, 1913, and who were, therefore, senior in the Medical Corps

to medical officers appointed subsequent to that date. The first proviso corrects that situation.

The second, third, and fourth provisos provide for the various contingencies which may have happened to the line running mates of staff officers, or to the staff officers themselves, and definitely assigns new running mates in case of such contingencies to all staff officers now on the list.

Section 7, paragraph 1, establishes the running mate of staff officers entering the Navy after the passage of this bill, giving those officers the junior line officer of the same rank they assume on entering the service. The proviso maintains the rank and precedence of an officer transferred from the line to a staff corps and prevents a gain or loss of numbers on account of such transfer.

Section 8, paragraph 1, assigns a new running mate in case of loss of numbers or separation from the service of the running mate. The next senior line officer is assigned, as has been the Navy custom, but in case the line officer next senior is of a higher rank the new running mate must be the senior officer of the rank which the staff officer holds, this to prevent promotion of a staff officer simply because his original running mate was lost.

Section 9 assigns new running mate when original running mate has failed of selection and a junior to him in the line has been advanced. The proviso prevents the staff officers from gaining possibly a year's precedence in case his running mate, who is passed over, happens to be the senior in that rank.

Section 10: This section provides that when a staff officer has been considered by a selection board and not promoted he shall be assigned a new running mate among line officers who have also not been promoted, the new running mate being the line officer next senior to the former running mate. In case there is no line officer senior in said rank to the former running mate, the staff officer retains his former running mate who has been promoted, but such retention is for precedence purposes only in the rank in which the staff officer remains, because the proviso calls for the assignment of a new running mate if the staff officer is subsequently promoted, such new running mate being a line officer of the rank to which the staff officer is promoted.

Section 11 provides for the assignment of a new running mate to staff officers who have been court-martialed and lost numbers, or who have lost numbers as a result of failure on professional examinations.

Section 12 provides for the assignment of a new running mate to a staff officer when his former running mate has been promoted for conspicuous conduct or heroism in accordance with the sections of the Revised Statutes referred to.

Section 13 provides for the assignment of a new running mate to the staff officer who is advanced for conspicuous conduct or heroism in accordance with section 1506 of the Revised Statutes.

Section 14 states definitely when a staff officer shall become eligible for consideration by a selection board, and this section is the basis and foundation of the entire bill. The staff officer becomes eligible for consideration when his running mate or officer junior to that running mate is selected for promotion by the line selection board. The words "or a line officer junior to such running mate" are inserted to

insure that the staff officer becomes eligible even if his line running mate is passed over.

The proviso to section 14 renders eligible all staff officers whose running mates have heretofore been promoted to a rank higher than that now held by such staff officer, and this proviso is the foundation upon which promotion equalization of staff officers who are behind the line in promotion is based.

Section 15 authorizes in the first paragraph the convening of boards in those staff corps wherein promotion has lagged behind the line. The first sentence of the second paragraph authorizes the boards so convened to recommend officers for advancement not to exceed the number furnished by the Secretary of the Navy. The second sentence of the second paragraph defines the manner in which the number to be recommended by each board for the rank of rear admiral is determined by the Secretary of the Navy, modified, however, by the proviso to paragraph 1 that the number of officers of the rank of rear admiral shall not by that method be increased to a greater number than now authorized. The 61 per cent designated in this section is the percentage of line officers who have been promoted to the rank of rear admiral since August 29, 1916, to line officers who have been considered by the line selection board, "considered" in this case meaning that officers so considered have either been promoted or "passed over."

The third paragraph of this section contains similar authorization for advancement to the rank of captain. Similarly the 91 per cent is the percentage of line officers promoted to the rank of captain to line officers considered for that rank, "considered" being interpreted as above.

The fourth paragraph contains a similar authorization for advancement to the rank of commander in the staff corps.

Section 16 provides for the future and authorizes the convening of staff selection boards immediately after the reports of line selection boards have been approved by the President. The reason for this is clear. Each line selection board proceeds somewhat further down the list than its predecessors, promotes or passes over line officers further down the list, and thereby brings into the field of eligibility for staff promotion staff officers whose running mates have been so promoted or passed over.

The second paragraph of section 16 authorizes staff boards to recommend officers for advancement to the selection ranks not to exceed the number in each rank furnished by the Secretary of the Navy and determines the manner in which the number shall be computed. Staff officers who have been eligible for consideration by a preceding selection board are excluded from the number to which the percentage of line officers promoted to line officers considered may be applied in order to determine places to which staff officers may be promoted. In determining the fraction the action of four line selection boards was taken in order to provide a mean and to avoid the unfavorable result of the possible erratic action of any one line selection board. In practice this section will work out as follows:

If it is assumed, say, that four medical officers become eligible for selection because the last line selection board passed over or promoted the running mates of such four medical officers, then four is the number to which the line percentage shall be applied. The line percentage is determined by considering the combined action of the

preceding four line selection boards; that is, all line officers who have been selected for promotion by said boards form the numerator, and the denominator is all line officers who have been selected for promotion plus all line officers who have been passed over for promotion. If this fraction is assumed to be 50 per cent, then by applying 50 per cent to four, the number of eligible medical officers, there will be places for the promotion of two medical officers.

Section 17 disposes of the occasions where fractions occur in computation and makes provision for the carrying forward to succeeding boards of fractional numbers.

Section 18 provides for the advancement of staff officers of the rank of rear admiral to the pay of the upper half when their line running mates receive such pay.

Section 19 refers to chaplains. Chaplains are now the only body of staff officers whose promotion up to and including the rank of lieutenant commander is not by the line running mate system. Section 19 places the promotion of chaplains up to and including lieutenant commander in the same status as the other staff corps and in the first paragraph repeals the provision which requires acting chaplains to serve on board ship for three years before being eligible to be commissioned as chaplains. Keeping of acting chaplains on sea duty is an administrative matter which may be easily executed by the Navy Department. However, under present law if an acting chaplain is sick and in the hospital for a month his commission as chaplain may be thereby delayed for a month, and he thereby loses precedence among officers of his own corps and other corps without fault of his own.

The second paragraph of section 19 arranges the rank of officers of the rank of lieutenant commander and below of the Chaplain Corps in accordance with line running mates just as though they had been promoted from entry into the service in the same manner as other corps.

Chaplain Gatlin was advanced temporarily to the rank of lieutenant subsequent to June 4, 1920, and in accordance with law his temporary appointment as a lieutenant was terminated on September 2, 1921, whereas the temporary appointments of officers who were advanced prior to June 4, 1920, were not required to terminate until December 31, 1921. Chaplain Gatlin had qualified for permanent appointment to the rank of lieutenant on a date prior to the termination of his temporary appointment, but because of the fact that the examining board record was mislaid it did not arrive in the department until after September 2, 1924. In order that Chaplain Gatlin might receive his permanent appointment as a lieutenant he was advised that if he would resign from the Navy and enroll in the Naval Reserve Force he would be eligible for his appointment. This action was taken with consequent loss of precedence.

This last proviso in the second paragraph of section 19 is to correct the status of Chaplain Stone, who failed physically for examination for appointment in his temporary rank of lieutenant in April, 1921. His temporary appointment terminated September 2, 1921, and subsequent to such termination of his temporary appointment he was reexamined and found physically qualified, but his eligibility for permanent appointment as a lieutenant had ceased to exist. Furthermore, by reason of the fact that he had passed the maximum

legal age limit of 35 years, he was ineligible also for appointment as chaplain with the rank of lieutenant (junior grade). The provision if enacted will not affect any other officer in the corps.

Section 20 repeals section 1482 of the Revised Statutes except in so far as it applies to the Corps of Professors of Mathematics. Section 1481 provides for the retirement of staff officers, after a sufficient number of years of service, with the rank of commodore.

Section 21 is the usual safeguard provision considered in acts of this kind.

Summary: The object of this bill is to place all officers of the Navy, line and staff, of the same length of service on an equal footing as regards opportunity for promotion. In order to do this it is necessary that those officers who, through no fault of their own, are behind their contemporaries be brought up to their contemporaries; that those officers who, through no particular excellence of their own, are ahead of their contemporaries be held in their present rank until such time as their contemporaries have caught up.

